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Practitioner's Docket No. 0138.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ALSTON, William
Application No.: 10/729,847
Filed: December 5, 2003
For: AEROSOLIZATION APPARATUS WITH ROTATING CAPSULE

Confirmation No.: 8316
Group No.: 3743
Examiner: ALI, Shumaya B.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, Office Action mailed October 11, 2006, claims 1-20 are rejected.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

XX facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date: April 10, 2007


Signature

Minna Cotter
(type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Notice of Appeal fee due: \$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(3)) for three months:

Fee \$1020.00

If an additional extension of time is required, please consider this a petition therefore.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee:	\$500.00
Extension Fee	\$1020.00
TOTAL FEE DUE	\$1520.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$1520.00 to Deposit Account No. 500348. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee are required, and if any additional fee for claims is required, charge Deposit Account No. 500348.

10 APR 2007
Date

Reg. No.: 45,302
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Guy V. Tucker
Signature of Practitioner

Guy V. Tucker
Nektar Therapeutics
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San Carlos, CA 94070

Notice of Appeal from the Primary Examiner to Board—page 2 of 2